

REMARKS

Claims 1-41 and 59-75 have been canceled without prejudice or disclaimer as being drawn to a non-elected invention.

Claim 42 has been amended to address the rejection lodged under 35 U.S.C. 112, second paragraph. As explained on page 1 of the application, at lines 2-3, the management method of the present invention is used “for managing the purchases of particular articles planned by consumers” and, as explained on page 5 of the application, at line 12, the method of the present invention employs consumer terminals “each belonging to a particular consumer”, as is set forth in amended claim 42 . Claims 46 and 51 have been canceled since features of these claims have been incorporated into amended claim 42. These amendments should also address the rejection of claims 50, 55 and 58 under 35 U.S.C. 112, second paragraph.

Claims 43-45, 47, 48, 50, 52, and 55-58 have been amended to address antecedent basis issues, and to correct for grammar and clarity. The application now includes claims 42-45, 47-50, and 52-58.

Claims 42 and 43 were rejected as being anticipated by U.S. Patent 6,502,076 to Smith. Claims 44-49, 51-54, and 56-57 were rejected as being obvious over Smith. Claims 50, 55, and 58 were rejected as being obvious over Smith in view of U.S. Patent 6,606,744 to Mikurak. Each of these rejections is traversed in view of the amendments above and remarks below.

As will be appreciated by the Examiner, Smith’s system and method is expressly limited to circumstances in which the consumer terminals are “retail self-service terminals located throughout a store”. See particularly claims 1, 20, and 29. That is, the Smith does not contemplate or suggest a methodology that involves input of information at a consumer terminal which belongs to the particular consumer or sending to a producer terminal at least said information on consumers and said information on consumers’ purchases or actions planned for a preselected term, both of which are required in amended claim 42. As explained on page 5 of the application, the claimed invention involves the use of consumer terminals 31 owned by particular consumers 3, producer terminals belonging to

various producers 2, and retailer terminals 41 at the individual stores 4. Figure 5 of the application shows that the producer produces the article at step 2.4 based on information from the server whenever a consumer plans to purchase the article (step 2.3). Figure 4 of the application shows incentive information being received based on the consumer information and article information which is sent to the server. As noted on page 9 of the application, at lines 1-6, in an exemplary embodiment, the earlier a time when a consumer 3 plans to purchase an article—the time consumer 3 inputted the intention to purchase the article on the homepage, the higher the discount rate. With particular reference to the paragraph bridging pages 10 and 11, and with reference to Figure 3 of the application, it can be seen that when the consumer 3 starts action for purchasing the desired article at a retail store 4, there is a determination made as to whether or not the consumer has acted to schedule (step 1.8; see also page 10, line 3), and if the consumer has, the consumer is issued a discount (or other incentive).

Smith is quite different from the claimed invention, and does not and would not involve consumer terminals belonging to consumers interacting with a database which is shared by producer terminals and, subsequently by retailer terminals. Smith provides in-store retail terminals where various promotions can be accessed and used by consumers while on the premises of the retail store. In the present case, by contrast, the incentive is related to the consumer's desire to purchase an article within some specified period of time. As required in claim 42, the consumer inputs information on himself or herself, and information on purchases or actions planned for a preselected term. There is a classifying step performed based on attributes of the inputted information, and a producer's terminal is sent the information inputted by the consumer in claim 42. Based on this, the consumer receives an incentive, which can be variable depending on how quickly the consumer inputs information and ultimately makes purchases, that is based on information he or she puts into the database through the homepage and then follows up by making purchases at a retail outlet. In Smith, you don't have steps which involve this kind of interaction between consumers, producers, and retailers. Furthermore, Mikurak does not make up for these features which are missing from Smith (Mikurak has been relied on only for a general discussion

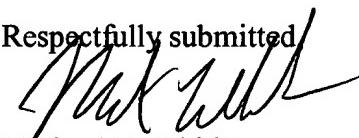
involving discounts). Therefore, no combination of Smith and Mikurak would make any of the claimed invention obvious to one of ordinary skill in the art.

In view of the foregoing, it is respectfully requested that the application be reconsidered, that claims 42-45, 47-50, and 52-58 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



Michael E. Whitham
Reg. No. 32,635

Whitham, Curtis & Christofferson, P.C.
11491 Sunset Hills Road, Suite 340
Reston, VA 20190

Tel. (703) 787-9400
Fax. (703) 787-7557

Customer No.: 30743